

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q85522

Shinji NAKADE, et al.

Appln. No.: 10/519,113

Group Art Unit: 1614

Confirmation No.: 9389

Examiner: RICCI, GRAIG D

Filed: November 1, 2005

For: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DISEASE DUE TO  
VASCULAR CONSTRICTION OR VASODILATION

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98  
U.S. Appln. No.: 10/519,113

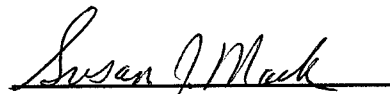
Attorney Docket No.: Q85522

foreign patent office in a counterpart application citing such documents (Supplementary European Search Report dated August 14, 2009 for EP 03761797.4). Additionally, Applicant submits herewith English language abstracts for WO 02/42301 A1 and WO 01/83490 A1.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Susan J. Mack  
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WASHINGTON DC SUGHRUE/265550

**65565**

CUSTOMER NUMBER

Date: September 18, 2009

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

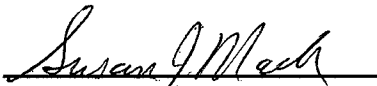
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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